

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:05-cr-15-SEB-MPB
)	
DEAN O. CART,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On December 4, 2017, the Defendant Dean O. Cart made an Initial Appearance before the Court after his arrest on a Warrant for Supervised Release Violation. On January 3, 2018 the Court held the Final Revocation Hearing. Defendant Cart appeared in person with his appointed counsel Doug Walton. The government appeared by Kyle Sawa, Assistant United States Attorney. The United States Office of Probation and Parole was represented by Officer Katrina Sanders.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Cart of his rights and provided him with a copy of the petition. Defendant Cart waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Cart admitted Violation Number 1 ([Docket No. 43](#)).

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	"You shall reside at a residential reentry center for 12 months. You shall abide by the rules and regulations of the facility. You may petition an early release after 6 months if you have a stable residence and are otherwise appropriate for release." As of November 20, 2017, the offender is in violation of VOA policy. Mr. Cart has been accused of inappropriate contact with other residents of the VOA.

4. The parties stipulated that:

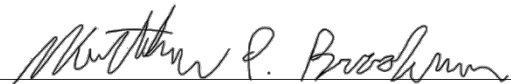
- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is I.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 3-9 months' imprisonment.

5. The parties jointly recommended a sentence of incarceration with credit for the time the Defendant has served while awaiting resolution of the supervised release violation proceedings (current incarceration began November 27, 2017), and thereafter the Defendant returned to Supervised Release, with additional conditions that, (1) the Defendant remain up to an additional 12 months residency in the Volunteers of America facility in Evansville, Indiana, and, (2) the Defendant submit to a mental health evaluation by a Physician recommended through his supervising Probation Officer.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition as outlined above. The Magistrate Judge further recommends the Court accept the joint recommendations of the parties, as outlined above, and sentence the Defendant to a period of incarceration equal to the time he has served awaiting final disposition of the supervised release violation proceedings, followed thereafter by the return to Supervised Release with additional conditions that, (1) the Defendant remain up to an additional 12 months residency in the Volunteers of America facility in Evansville, Indiana, and, (2) the Defendant submit to a mental health evaluation by a Physician recommended through his supervising Probation Officer.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: January 4, 2018

A handwritten signature in black ink, appearing to read "Matthew P. Brookman", is written over a horizontal line.

Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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